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SERIAL NUMBER FILING DATE FIRST NAMED INVENTOR ATTORNEY DOCKET NO. 08/153,287 11/17/93 HAUPTMANN 0652.0820002 **EXAMINER** CARLSON, K 18N2/0419 ART UNIT PAPER NUMBER STERNE, KESSLER, GOLDSTEIN & FOX 1100 NEW YORK AVENUE, N.W. SUITE 600 WASHINGTON, DC 20005-3934 1812 **DATE MAILED:** 04/19/94 This is a communication from the examiner in charge of your application. COMMISSIONER OF PATENTS AND TRADEMARKS This application has been examined Responsive to communication filed on\_\_\_\_\_\_ This action is made final. days from the date of this letter. A shortened statutory period for response to this action is set to expire \_ \_ month(s), \_ Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133 Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION: 1. Notice of References Cited by Examiner, PTO-892. 2. Notice of Draftsman's Patent Drawing Review, PTO-948. 3. Notice of Art Cited by Applicant, PTO-1449. Notice of Informal Patent Application, PTO-152. 5. Information on How to Effect Drawing Changes, PTO-1474. Part II SUMMARY OF ACTION are pending in the application. 1. \(\bigz \) Claims \(\alpha - 7, 9-14, 17.18, \alpha \alpha, \alpha \bigz \) Of the above, claims are withdrawn from consideration. 2. Claims 1, 8, 15, 16, 19-21, 24-26 3. Claims 4. \(\overline{\Omega}\) Claims \(\overline{\Omega} - 7, 9 - 14, 17, 18, 22, 23\) 5. Claims 6. Claims are subject to restriction or election requirement. 7. M This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes. 8. Formal drawings are required in response to this Office action. 9. The corrected or substitute drawings have been received on \_\_\_\_\_\_. Under 37 C.F.R. 1.8 are \_\_\_\_\_\_ acceptable; \_\_\_\_\_ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948). \_. Under 37 C.F.R. 1.84 these drawings 10. The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_ \_\_\_\_. has (have) been approved by the examiner; disapproved by the examiner (see explanation). 11. The proposed drawing correction, filed \_\_\_\_\_, has been approved; disapproved (see explanation). 12. ⚠ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ★been received □ not been received □ been filed in parent application, serial no. 07/571430; filed on 4-20-96. 13. Since this application apppears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213. 14. Other

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The instant application is a FWC of SN 07/821750. Claims 1, 8, 15, 16, 19-21, and 24-26 have been cancelled. Claims 2-7, 9-14, 17, 18, 22, and 23 are pending and are under examination.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Applicants have not amended the claims are presented arguments against the rejections. Therein, all rejections are maintained as follows.

10 Claims 2-7, 9-14, 17, 18, 22, and 23 are rejected under 35 U.S.C. § 103 as being unpatentable over Wallach et al. as discussed in the previous Office Actions, Paper #4, page 4 and Paper #8, page 2.

Claims 2-7, 9-14, 17, 18, 22, and 23 are rejected under 35 U.S.C. § 103 as being unpatentable over Olsson et al. in view of Wallach et al. or any molecular biology laboratory techniques book or manual as discussed in the previous Office Action, Paper #8, page 3.

This is a FWC of applicant's earlier application S.N. 07/821750. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds or art of record in the next Office action if they had been entered in the earlier application.

Accordingly, THIS ACTION IS MADE FINAL even though it is a first action in this case. See M.P.E.P. § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

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A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen Cochrane Carlson, Ph.D. whose telephone number is (703) 308-0034.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

ROBERT J. HILL, JR.
SUPERVISORY PATENT EXAMINER
GROUP 1800